

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Deborah Grodzicki	Team: Team # 1	CCRB Case #: 200705604	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 04/22/2007 4:00 AM	Location of Incident: § 87(2)(b) and § 87(2)(b)	Precinct: 67	18 Mo. SOL 10/22/2008	EO SOL 10/22/2008	
Date/Time CV Reported Mon, 04/23/2007 3:49 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 04/23/2007 3:49 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			
3. POM John Tancredi	00192	924537	067 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Narine Ramlochan	25777	941118	067 PCT
2. SGT Scott Burton	00728	920063	067 PCT
3. SGT Michael Kraft	01453	924040	067 PCT
4. POM Salman Asghar	13331	934426	067 PCT
5. POM Diego Vivar	14600	937698	067 PCT
6. POM Steven Zanca	16771	937781	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers pointed their guns at § 87(2)(b) and § 87(2)(b)	
B. Officers	Abuse: Officers frisked § 87(2)(b) and § 87(2)(b)	
C. POM John Tancredi	Abuse: PO John Tancredi searched the car in which § 87(2)(b) was an occupant.	
D. An officer	Force: An officer struck § 87(2)(b) with a baton.	
E. An officer	Abuse: An officer damaged § 87(2)(b)'s property.	
F. An officer	Force: An officer used pepper spray against § 87(2)(b)	
G. Officers	Force: Officers used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
H. An officer	Discourtesy: An officer spoke obscenely and/or rudely to § 87(2)(b)	
I. Officers	Force: Officers used physical force against an individual.	
J. An officer	Force: An officer used pepper spray against an individual.	
K. An officer	Force: An officer used pepper spray against § 87(2)(b)	
L. Officers	Force: Officers used physical force against § 87(2)(b)	
M. Officers	Discourtesy: Officers spoke obscenely and/or rudely to § 87(2)(b)	
N. Officers	Force: Officers struck § 87(2)(b) with an asp.	

Synopsis

On April 22, 2007, at approximately 4:00 AM, an unidentified officer stopped § 87(2)(b) who was operating a black Jeep Cherokee in front of § 87(2)(b) a club located on the corner of § 87(2)(b) and § 87(2)(b) in Brooklyn. § 87(2)(b) and § 87(2)(b) were exiting the club at this time and alleged that unidentified officers pulled § 87(2)(b) and his two passengers, identified as § 87(2)(b) and § 87(2)(b) out of the vehicle at gun point and frisked them. **[Allegations A and B]** § 87(2)(b) further alleged that two officers, one of whom was identified as PO John Tancredi of the 67th Precinct, searched his vehicle upon his arrest. **[Allegation C]**

Upon exiting the club and observing § 87(2)(b)'s arrest, § 87(2)(b) proceeded to walk down § 87(2)(b) toward his car. At this time, an unidentified officer struck him with a baton. **[Allegation D]** The baton also made contact with his glasses, causing his right lens to pop out. **[Allegation E]** At this time, another unidentified officer pepper sprayed § 87(2)(b) while several unidentified officers kicked his knees, shins, thighs, wrists, and arms. **[Allegations F and G]** § 87(2)(b) was eventually handcuffed and escorted to the patrol vehicle. As he was being placed inside the vehicle, an unidentified officer told § 87(2)(b) to "stop being a pussy" and another unidentified officer stabbed his baton into § 87(2)(b) left rib. **[Allegation H, Allegation D, continued]**

When § 87(2)(b) exited the club, he first saw § 87(2)(b)'s arrest (as mentioned above) and then witnessed unidentified officers grab an unidentified female, throw her against a building and pepper spray her. **[Allegations I and J]** After observing for a short while, § 87(2)(b) proceeded to walk away, but then stopped again to look for a friend. An unidentified uniformed white male officer, who was handling the unidentified female at the time, instructed § 87(2)(b) to "keep moving" and subsequently pepper sprayed him. **[Allegation K]** Four unidentified officers then approached § 87(2)(b) and pushed him onto the street, causing § 87(2)(b) to stumble but not fall. **[Allegation L]** At this time, several unidentified officers told § 87(2)(b) to "get the fuck out of [there]" and called him a "fucking punk." **[Allegation M]** He could not specify which of the officers made the aforementioned remarks. § 87(2)(b) continued to walk down the street when several unidentified officers hit him with their asps approximately nine times **[Allegation N]** § 87(2)(b) turned around and asked the officers why they were hitting him and the unidentified white male officer told him to "Get the hell out of [there]." **[Allegation M, cont.]** This officer then punched § 87(2)(b) in the mouth, splitting his top and bottom lip. **[Allegation L, cont.]** § 87(2)(b) was not arrested.

§ 87(2)(g)

Summary of Complaint

On April 22, 2007, § 87(2)(b) filed a complaint with the Internal Affairs Bureau § 87(2)(b). [Encl. 5A-B] The complaint was referred to the CCRB on April 23, 2007. [Encl. 6A-E] On May 7, 2007, § 87(2)(b) provided an in-person statement to the CCRB. [Encl. 8A-C] § 87(2)(b) is a § 87(2)(b)-year-old black male who was employed § 87(2)(b) at the time of the interview. § 87(2)(b) is five feet, nine inches tall and weighs one hundred and fifty five pounds.

On April 22, 2007, at approximately 12:00 AM, § 87(2)(b) went to a party hosted by § 87(2)(b) located in the vicinity of § 87(2)(b) and § 87(2)(b) in Brooklyn. Though there were approximately one hundred individuals who attended this party, § 87(2)(b) did not observe any suspicious activity occurring inside the bar.

At approximately 3:55 AM, § 87(2)(b) decided to exit the bar. § 87(2)(b) left the bar after having only two glasses of beer and was certain that he was not intoxicated. Upon exiting with several unidentified individuals, § 87(2)(b) observed four unidentified males laying face first on the ground and four unidentified plainclothes officers frisking them on the street. He did not observe the officers place their hands inside the males' pockets. § 87(2)(b) further stated that the four males were not handcuffed at the time. § 87(2)(b) silently began to walk toward his car, which was parked on § 87(2)(b).

A crowd began to form and approximately twenty other unidentified individuals proceeded to walk in the same direction as § 87(2)(b). § 87(2)(b) walked for approximately five minutes, intermittently looking back at the incident, when he made eye contact with an unidentified plainclothes male officer, described as white or Hispanic, 5'7", 28 years old, 190 pounds, stocky, and with dark hair. This officer appeared to be running toward him. § 87(2)(b) stopped moving, placed his right arm in the air with his identification in hand, and said, "I live on your block." Immediately upon approach, the plainclothes officer pulled out his baton (described as small, brown, and wooden) and motioned it toward § 87(2)(b) right hand. § 87(2)(b) quickly raised his left arm for protection and was subsequently hit on the left wrist by the baton. When the baton made contact with § 87(2)(b) body, § 87(2)(b) lost balance causing his right knee to drop to the floor and the rest of his body to follow. As § 87(2)(b) hit the ground, the plainclothes officer continued to hit his left arm three times. During the single swing, the baton also made contact with § 87(2)(b) glasses, causing the right lens to pop out.

A second unidentified uniformed male officer, described as white or Hispanic, 5'11", and approximately 170 pounds, approached § 87(2)(b) and pepper sprayed his eyes, nose and mouth by discharging a single spray across his entire face. The plainclothes officer continued to hit § 87(2)(b) on his right arm, when several unidentified officers approached § 87(2)(b) and proceeded to kick his knees, shins, thighs, wrists, and arms. § 87(2)(b) was unsure how many officers were kicking him since his eyes were burning intensely from the pepper spray. Furthermore, § 87(2)(b) was unable to describe any of the other officers who used physical force against him while he was on the ground. § 87(2)(b) never made any physical movements toward the officers and further stated that he did not resist at any point. He only screamed, "I live on the block," as the officers hit him. The officers did not give him any instructions; he only heard them say, "Don't worry about it. Don't worry about it. Don't be a punk and don't let it bother you." After approximately two minutes of unidentified officers kicking § 87(2)(b) body and the plainclothes officer hitting his hand with his baton, § 87(2)(b) was handcuffed. § 87(2)(b) did not see who handcuffed him.

Once § 87(2)(b) was handcuffed, an officer whom he could not describe or identify from photographs, escorted him to the car. As he was being taken to the patrol vehicle, § 87(2)(b) screamed at the officer, "Sir, I live on the block. I have no reason to resist you or do anything toward you. Why did you guys beat me up?" The unidentified officer told § 87(2)(b) to "stop being a pussy." Though § 87(2)(b) was screaming toward the officer, he never resisted or used any profanity toward him.

Two unidentified officers lifted up § 87(2)(b) and threw him face first inside the patrol vehicle. One of the unidentified officers "jabbed" his baton into § 87(2)(b) left rib. § 87(2)(b) remained inside the vehicle for approximately thirty minutes before he was transported to the precinct. During that time, § 87(2)(b) screamed at the officers to rinse his eyes out and kicked the seats inside the patrol vehicle. The officers entered the patrol vehicle and transported § 87(2)(b) to the 67th Precinct stationhouse.

At the precinct, an unidentified officer flushed § 87(2)(b) eyes out with water and placed him in the cell area. § 87(2)(b) continued to scream inside the cell requesting medical attention for his eyes. At § 87(2)(b) § 87(2)(b) was transported to § 87(2)(b) in an ambulance, where he received X-rays on his left hand, shoulders, left knee, and left leg. The doctor informed § 87(2)(b) that he had sustained multiple contusions to his arms and legs. At approximately § 87(2)(b), § 87(2)(b) was transported back to the precinct, where he remained until late that evening. § 87(2)(b) was released the following day, § 87(2)(b) § 87(2)(b), and subsequently drove to § 87(2)(b), where he was given a sling for his left arm (which was dislocated from the baton) and obtained more X-rays on his arms and legs.

§ 87(2)(b) believed that only § 87(2)(b) an acquaintance of his, witnessed the incident. He further stated that § 87(2)(b) also had an altercation with officers, but § 87(2)(b) did not witness it. § 87(2)(b) was later informed that his brother, § 87(2)(b) also had an altercation with the officer, but did not witness this altercation either. Though § 87(2)(b) was charged § 87(2)(a) 160.50, § 87(2)(b) did not make any disorderly gestures except screaming and yelling after he was pepper sprayed. § 87(2)(b) sustained contusions to his right wrist, right arm, biceps, and the back of his right shoulder. He also sustained a cut to the upper left arm and to his lower left bicep. He was given a sling for his left hand due to his inability to rotate his left wrist. He sustained further contusions to the left side of ribs, to the side of his left knee, and to his left shin area. § 87(2)(b) stated that unidentified officers confiscated his yellow gold and white gold necklace at the precinct stationhouse and failed to give him a voucher. § 87(2)(b) further stated that his necklace was worth 3,000 dollars and was 170 grams worth of gold. § 87(2)(b) stated that he would only be able to identify photographs of the two officers he was able to describe. § 87(2)(g)

Photo Array

On October 29, 2007, § 87(2)(b) was shown a series of single photographs depicting officers of the 67th Precinct who responded to the incident location (as noted in the SPRINT): PO Salman Asghar of 67th Precinct (photo 1), Sgt. Scott Burton (photo 2), PO Diego Vivar (photo 3), filler (photo 4), filler (photo 5), filler (photo 6), Sgt. Michael Kraft (photo 7), PO John Tancredi (photo 8), PO Steven Zanca (photo 9), filler (photo 10), PO Narine Ramlochan (photo 11), Cpt. Kevin Maloney (photo 12). [Encl. 9A-DD]

§ 87(2)(b) indicated that PO Ramlochan resembled his arresting officer, but he did not elaborate on any of his actions at the location. PO Salman Asghar resembled the officer who requested his identification and subsequently hit him with his baton, but § 87(2)(b) did not believe PO Asghar to be the actual officer. § 87(2)(b) did not identify any of the officers as having been present during the incident. During the photo array, § 87(2)(b) informed SI Bufter that “PO Guzman”, identified from a summons he received at a later date, was the officer who hit him with his baton. A review of the 67th Precinct roll call revealed that there was not a “PO Guzman” on duty at the time and date of the incident.

Results of Investigation

On April 24, 2007, § 87(2)(b) filed a complaint with the CCRB on behalf of her son, § 87(2)(b). On May 17, 2007, § 87(2)(b) provided the CCRB with an in-person statement. [Encl. 12A-E] § 87(2)(b) is a § 87(2)(b) Hispanic male who was a student § 87(2)(b). § 87(2)(b) is five feet, nine inches tall and weighs one hundred and fifty five pounds.

On April 22, 2007, at approximately 4:00 AM, § 87(2)(b) was attending a birthday party hosted by § 87(2)(b) in the vicinity of § 87(2)(b) and § 87(2)(b) in Brooklyn. Prior to entering the bar, § 87(2)(b) observed approximately twenty uniformed officers standing in the vicinity. He was only able to describe one of the officers, an older white male, in his forties, who was wearing a white shirt. (He believed him to be a lieutenant). § 87(2)(b) did not know why the officers stood outside the bar. Once the party ended and § 87(2)(b) attempted to leave the bar, an argument ensued between § 87(2)(b)'s friend, identified only as § 87(2)(b) and another friend near the coat-check section inside the club. As a safety precaution in case the argument was to escalate, a stocky and tall black male bouncer attempted to break up the argument and tasered § 87(2)(b).

A crowd of twenty to fifty people, including § 87(2)(b) rushed outside the bar and proceeded to move up the block. § 87(2)(b) admitted to being “tipsy” and conversing with two unidentified girls, his friend, § 87(2)(b) and § 87(2)(b) girlfriend (whose name is unknown). § 87(2)(b) drank one-fourth of a four-inch cup of alcohol prior to exiting the bar. Three officers standing to the right of § 87(2)(b) and his friends, stopped a black vehicle, pulled three or four unidentified occupants into the street at gunpoint, and handcuffed them. Upon observing this, § 87(2)(b) approached the officers in his slightly intoxicated state and said “That’s not right.” As the officers “rushed” toward § 87(2)(b), § 87(2)(b)'s girlfriend, who was standing five feet away from the officers at the time, put her hands up and began explaining that § 87(2)(b) was drunk and that he was going home right now. § 87(2)(b) did not know if § 87(2)(b) girlfriend was intoxicated at the time. She was standing approximately four to five feet away from the officers. § 87(2)(b) girlfriend did

not make any motion toward the officers – they rushed toward her. An unidentified number of officers grabbed her by her shoulders and threw her against the door of a building. § 87(2)(b) immediately stopped and watched a uniformed white male officer with dirty-blond spiky hair, approximately one hundred and sixty pounds, and in his twenties pepper spray her after she was thrown against the door. § 87(2)(b) did not know for how long the officer pepper sprayed § 87(2)(b) girlfriend, who was subsequently arrested.

After observing for a short while, § 87(2)(b) began to walk away, but then stopped and looked around for his friend, § 87(2)(b). The officer with the spiky dirty-blond hair, who was kneeling by the door with § 87(2)(b) girlfriend, instructed § 87(2)(b) to “keep it moving.” § 87(2)(b) informed him that he was moving as he continued to watch what was occurring with § 87(2)(b) girlfriend. The same officer shook his pepper spray and proceeded to spray at § 87(2)(b) from approximately seven and a half feet away in one continuous blast. The pepper spray did not make contact with his eyes since § 87(2)(b) was wearing a hat at the time, but it did hit a large portion of his face. The same officer stood up and approached § 87(2)(b) while still pepper spraying him in the face. § 87(2)(b) was pepper sprayed on his face and neck.

Approximately four other officers approached § 87(2)(b) at this time and assisted the officer with spiky blond hair in pushing § 87(2)(b) into the street. § 87(2)(b) stumbled, but did not fall. During this time, the male officers used profanity toward § 87(2)(b) making the following statements: “Get the fuck out of here” and “You fucking punk.” He could not specify which officer spoke profanely toward him.

§ 87(2)(b) continued to walk down the street when a uniformed officer, described as a Hispanic male, approximately six feet tall, in his twenties, with short hair and wearing black framed glasses hit § 87(2)(b) on his upper left tricep with his asp, leaving a heavy bruise. Several people witnessed the incident from the sidewalk (§ 87(2)(b)). Though § 87(2)(b) continued to walk away, the Hispanic male officer and three or four other unidentified officers struck § 87(2)(b) as they told him to “Keep it moving.” § 87(2)(b) could not identify the other officers who struck him as he was facing the other direction. § 87(2)(b) sustained hits to his lower center back, to the back of his knees (calve area), and to his lower body (where he sustained a 4” diameter bruise.) After approximately nine hits, § 87(2)(b) turned around and said, “Can’t you see I am walking; why are you hitting me?” The officer with the spiky dirty blond hair replied, “Shut up, punk. Get the hell out of here,” and subsequently punched § 87(2)(b)’s mouth with a closed fist one time, splitting his top and bottom lips. § 87(2)(b) then felt one more hit on his lower back from an officer, whom he could not see, and continued to away from the officers. His sweater was covered in blood from his mouth. Though § 87(2)(b) was aware of other arrests that evening, he did not observe any of them occur (except for § 87(2)(b) girlfriend’s arrest) and was only informed of them at a later date. § 87(2)(b) was not arrested nor was he issued a summons.

§ 87(2)(b) went to § 87(2)(b) after the incident. There, § 87(2)(b) obtained a massage and a routine check up. The doctor instructed § 87(2)(b) to put ice on his injuries and wait a couple of days. § 87(2)(b) did not obtain any further medical treatment.

Photo Array I

On October 15, 2007, § 87(2)(b) was shown a series of single photographs depicting officers of the 67th Precinct who responded to the incident location (as noted in the SPRINT): PO Steven Zanca (photo 1), filler (photo 2), PO Salman Asghar (photo 3), PO Narine Ramlochan (photo 4), Cpt. Kevin Maloney (photo 5), PO Diego Vivar (photo 6), filler (photo 7), filler (photo 8), Sgt. Michael Kraft (photo 9), PO John Tancredi (photo 10), filler (photo 11), and Sgt. Scott Burton (photo 12). [Encl. 13A-AA]

§ 87(2)(b) identified PO Zanca as looking familiar; however, he was unsure if he was present during the incident. He identified POs Asghar and Tancredi as looking familiar, but he was unsure of their actions. PO Ramlochan resembled one of the officers who responded to the location, but his cheeks were too puffy. PO Vivar was present; however, he was involved in the female’s arrest and § 87(2)(b) could not elaborate on his actions. § 87(2)(b) did not believe Cpt. Maloney, Sgt. Kraft, and Sgt. Burton responded to the location.

Photo Array II

On February 28, 2008, § 87(2)(b) was shown a series of single photographs depicting officers of the 67th Precinct who were assigned to conditions during Tour 3 on April 21, 2007. He was also shown additional photographs of officers who were identified through officer interviews and photos of the anticrime and conditions supervisor. (It should be noted that he was not shown photos of plainclothes officer who requested overtime since he alleged that the subject officers were uniformed): Sgt. Richard Pignatelli of the 67th Precinct (photo 1), PO Eduardo Conejo of the 67th Precinct (photo 2), PO Brian Foley of the 67th Precinct (photo 3), Sgt. Denis Burke of the 67th Precinct (photo 4), PO Daniel Chan of the 67th Precinct (photo 5), PO Raul Flores of the 67th Precinct (photo 6), PO Peter Furtaw of the 60th Precinct (photo 7), PO Avانش Patel of the 67th Precinct (photo 8), PO Shazim Khan of the 67th Precinct (photo 9), PO Raymond Gomez of the 67th Precinct (photo 10), PO Fabio Milazzo of the 67th Precinct (photo 11), PO Gregory Pico of the 67th Precinct (photo 12), and PO Jaime Santiago of the 67th Precinct (photo 13). [Encl. 14A-CC]

§ 87(2)(b) did not identify any of the officers as possible subject officers. He stated that PO Shazim Khan and PO Raymond Guzman looked familiar, but could not elaborate what they did and from where he recognized them.

§ 87(2)(b) was interviewed by the CCRB on March 5, 2008. [Encl. 16A-E] § 87(2)(b) is a § 87(2)(b) year-old black male § 87(2)(b) is five feet, eleven inches tall and weighs one hundred and forty pounds.

On April 22, 2007, at approximately 3:30 AM, § 87(2)(b) drove his 2000 black Jeep Cherokee to a club § 87(2)(b) which was located on the corner of § 87(2)(b) and § 87(2)(b) in Brooklyn. He parked approximately halfway down the block and proceeded to the Club with his friend, § 87(2)(b) and his cousin, § 87(2)(b). The bouncer refused § 87(2)(b) and his friends entrance into the club since it was about to close so he and his friends stood outside directly outside the club and waited for approximately forty-five minutes. § 87(2)(b) stood around the area and had cordial conversation with three uniformed officers who were pacing back and forth.

Approximately forty-five minutes later, § 87(2)(b) observed a large number of people quickly exiting the bar and dispersing in the street. Though § 87(2)(b) did not see what happened in the club, he assumed that a fight ensued inside the club based on the large quantity of people that exited the club at once. At this time, a large number of uniformed and plainclothes officers occupied the street and instructed everyone to disperse. § 87(2)(b) could not approximate the number of officers present.) Most people dispersed as instructed; however, there were a few civilians who were giving the officers a “hard time.” § 87(2)(b) could not elaborate on any specific interactions between officers and civilians. He initially stated that officers were instructing civilians to leave and threatening to pepper spray them if they refused to leave. He also observed officers pepper spraying a few civilians, but he could not specify how many civilians were in fact pepper sprayed and how many officers discharged their pepper spray. He believes the officers who were discharging their pepper spray were uniformed, but he was unsure. He could not describe or identify any of the officers who pepper sprayed civilians. § 87(2)(b) did not see any officers holding their asps or becoming involved in a physical altercation with the civilians.

§ 87(2)(b) followed the officers’ instructions to disperse and walked directly to his vehicle, which was parked across the street from a Laundromat on § 87(2)(b) and § 87(2)(b). His friends returned to his car at this time as well. § 87(2)(b) and § 87(2)(b) entered the vehicle while § 87(2)(b) stood outside conversing with an unidentified civilian. § 87(2)(b) was about to pull out of his parking spot, when an unidentified civilian operating a vehicle pulled up directly beside § 87(2)(b)s driver’s side door, disallowing him from pulling out of his parking spot. The operator of the vehicle began to argue with § 87(2)(b) and § 87(2)(b) explained to the male that he did not want to argue – he just wanted to leave the location given the large number of officers on scene.

§ 87(2)(b) conversed with the male for approximately five minutes when a black uniformed officer, who he would not be able to identify from photographs, approached the passenger side of § 87(2)(b).

§ 87(2)(b)'s vehicle and instructed him to turn off the ignition and to exit the vehicle. § 87(2)(b) rolled down the window and asked him what the problem was. The officer repeated his previous instruction to turn off the ignition and to exit the vehicle. Ignoring the officer's instructions once again, § 87(2)(b) asked the officer what was the problem and why did he want him to exit the car. The officer instructed him to exit his vehicle a third time. § 87(2)(b) obtained his license, registration, and insurance from the glove compartment and showed the officer. Disregarding his documents, the officer instructed him to exit his vehicle a fourth time. § 87(2)(b) then asked the officer why he wanted him to get out of the car. The officer explained to him that someone informed him that there was a firearm inside his vehicle. § 87(2)(b) denied having a firearm in the vehicle. Once again, the officer informed him that someone said that there was a firearm in the car and instructed him to get out of the car a fifth time.

At this time, a second uniformed male officer, whom he could not describe or identify from photograph, approached the § 87(2)(b)'s driver's side. § 87(2)(b) turned off the car and took the key out of the ignition as the officer opened the door, grabbed § 87(2)(b)'s left arm, and pulled him out. § 87(2)(b) did not resist the officer at this time. § 87(2)(b) was then escorted to the back of his vehicle, where he stood with a third unidentified officer while two additional uniformed male officers (whom he could not describe and would not be able to identify from photographs) proceeded to search his center console, the glove compartment, the pouches behind his front seats, and his trunk. The uniformed officers had searched his vehicle for approximately fifteen minutes when two plainclothes white male officers, one of whom was identified as PO John Tancredi, approached his vehicle and proceeded to search the same areas for another fifteen minutes. He described both officers as short and stocky. Although he could not further describe these two officers, § 87(2)(b) believed he would be able to identify them from photographs. One of the plainclothes officers did find a .45 caliber handgun in the center console during the search; however, he could not remember which officer confiscated the weapon. He stated that the center console was closed and his handgun was never in plain view. Once the weapon was confiscated, § 87(2)(b) was handcuffed and taken to the precinct stationhouse. At the precinct stationhouse, § 87(2)(b) observed one of his cell mates with bruises on his face. § 87(2)(b) could not identify him by name. § 87(2)(b) did not know what happened to his friend and cousin.

Efforts to contact additional victims/witnesses

At the conclusion of § 87(2)(b) interview on May 5, 2007, § 87(2)(b) brother, § 87(2)(b) informed the undersigned that he was also abused by the police. § 87(2)(b) did not have the time to provide a statement; however, he scheduled an interview for May 14, 2007 at 12:00 PM. § 87(2)(b) missed his scheduled appointment. On August 3, 2007, the undersigned attempted to contact § 87(2)(b) but the number was out of service. Two more letters were sent on August 3rd and 29th, 2007.

The command log and BADS identified § 87(2)(b) as having been arrested at the date, time, and place of the incident. On May 14, 2007, the undersigned called § 87(2)(b) at his home phone and left a message with his father. A letter was subsequently sent. On May 21, 2007, the undersigned made phone contact with § 87(2)(b) and scheduled an interview for May 23, 2007 at 3:00 PM. § 87(2)(b) did not appear to his scheduled interview. On August 3, 2007, the undersigned scheduled a second appointment with § 87(2)(b) for August 8, 2007 at 2:00 PM. § 87(2)(b) missed his second scheduled interview.

According to the command log, § 87(2)(b) was also arrested at the location on the incident date. However, he was released with a summons. Nonetheless, efforts were made to contact him as a potential victim/witness. On August 29, 2007, a letter was sent to two addresses linked to § 87(2)(b) (one address was obtained from the command log and the other was obtained from LexisNexis). The undersigned also attempted to call § 87(2)(b) using the three phone numbers obtained from LexisNexis. One of the numbers was linked to a Spanish telephone card and the other two numbers did not have a voicemail system.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) explained to the undersigned that he was unable to talk at the moment and that he would call back in thirty minutes. A letter was subsequently sent. On February 19,

2008, the undersigned made contact with § 87(2)(b) and scheduled a second photo array for February 20, 2008 at 11:00am. On February 20, 2008, § 87(2)(b) missed his scheduled appointment. On February 21, 2008, the undersigned called § 87(2)(b) and left a voicemail. On April 16, 2008, the undersigned made a fourth phone call to § 87(2)(b) and left a message with his mother requesting a call back. A final "please call" letter was subsequently sent. On April 28, 2008, the undersigned placed a fifth and final call to § 87(2)(b) and left a message with his father requesting a call back. § 87(2)(b), § 87(2)(g)

In the statement § 87(2)(b) provided to the CCRB, he identified two of his friends as § 87(2)(b) and § 87(2)(b). Although § 87(2)(b) and § 87(2)(b) did not provide names of the three civilians who were frisked and their statements differed slightly from § 87(2)(b)'s testimony, the investigation identified § 87(2)(b), § 87(2)(b) and § 87(2)(b) as the three civilians from police documents and matching description of the vehicle. As such, efforts were made to contact § 87(2)(b) and § 87(2)(b) as potential victims. Because § 87(2)(b) did not provide the undersigned with any contact information for his two friends, who were not arrested on the incident date, the undersigned ran a LexisNexis search and was met with three possible addresses for § 87(2)(b) and negative results for § 87(2)(b). The search did not provide phone numbers for either civilian. Three letters were sent to the three addresses linked to § 87(2)(b) and a Verizon subpoena was sent requesting phone numbers. The letter sent to § 87(2)(b) was returned as "undeliverable." On April 25, 2008, the Verizon subpoena requests requesting information for § 87(2)(b) yielded negative results. Verizon could not provide any information pertaining to § 87(2)(b) as the address is carried by another telephone company, IDT. The undersigned attempted to contact IDT using the number provided by Verizon and was met with a private residence. Additional efforts were made to obtain IDT's contact information via the internet. The numbers provided would not allow the undersigned to proceed unless a phone number was entered. § 87(2)(b), § 87(2)(g)

According to § 87(2)(b)'s statement, a young female was arrested at the location after officers allegedly threw her against the wall and pepper sprayed her. A thorough search on BADS for any females arrested at the time, date, and incident location yielded negative results. Moreover, the command log did not identify any females who may have been arrested and subsequently released with a summons. § 87(2)(g)

No stop and frisk reports were prepared for any females at the incident location.

§ 87(2)(b), § 87(2)(g)

Subject Officer Statement

PO John Tancredi

Arrest Report #§ 87(2)(b)

The arrest report indicates that on April 22, 2007, at approximately 4:21 AM, § 87(2)(b) was found to be in possession of a black glock 45 caliber firearm and a defaced .380 semiautomatic firearm. § 87(2)(b) was arrested near § 87(2)(b) and was charged § 87(2)(b)

PO John Tancredi of the 67th Precinct was interviewed at the CCRB on September 18, 2007 at 9:55am. [Encl. 17A-B] Louis Albert of the PBA and Inv. Katherine O'Connor of the CCRB were present. PO Tancredi is § 87(2)(b)-year-old white male with black hair and brown eyes. He weighs one hundred and eighty pounds and measures five feet, nine inches. On April 21, 2007, PO Tancredi worked from 4:00pm until 4:25pm on April 22, 2007 (including overtime), and was assigned to anti-crime duty. He was working with Sgt. Richard Pignatelli, and was in plainclothes. He was assigned to an unmarked motor vehicle which Sgt. Pignatelli operated. PO Tancredi's memo-book entries indicated that

at 4:21AM, § 87(2)(b) was arrested at § 87(2)(b), DOB § 87(2)(b). A Glock .45 and .380 semi-automatic Lorcin were recovered. [Encl. 16.25A-B]

On April 22, 2007 at approximately 4:21am, PO Tancredi and Sgt. Pignatelli responded to a club called § 87(2)(b) located at § 87(2)(b) and § 87(2)(b). On the date of the incident, PO Tancredi and Sgt. Pignatelli responded after they learned that there were officers in need of assistance at the location. He did not recall if he learned of this from a "10-85" call being made over the radio, or if a fellow officer phoned him to inform him of the situation. He also stated that he did not recall specifically what condition necessitated this need for assistance.

When they arrived at the scene, PO Tancredi observed a large crowd on the street, which had apparently just let out of the club. Several people were running in various directions. Initially, PO Tancredi stated that there were lots of fights going on among the club patrons outside, but he later revised his statement to say that he did not actually see any specific fights. PO Tancredi estimated that there were more than one hundred people at location, covering the entire street outside the club. PO Tancredi did not know of any specific reasons which would have caused such a large crowd to form that night. There were also numerous officers present, though he could not estimate how many.

PO Tancredi exited his vehicle and as soon as he did so, one of the club bouncers on the street pointed toward a thin, black male (identified as § 87(2)(b) who was entering a vehicle parked on the north-west side of § 87(2)(b) slightly north of § 87(2)(b). § 87(2)(b) was standing in the driver's side doorway of his vehicle with the door still open. Pointing at § 87(2)(b) the bouncer said, "He's got a gun, he's got a gun." As he did this, several other people in the vicinity, including an unidentified female, were also pointing toward § 87(2)(b) yelling that he had a gun.

Hearing this, PO Tancredi immediately approached § 87(2)(b)'s vehicle. He did not recall if Sgt. Pignatelli accompanied him or if he went elsewhere on the scene. When PO Tancredi reached § 87(2)(b)'s car door, he observed that there was a gun sitting on the vehicle's center console, in plain view. He also observed that there was a second firearm sitting on the driver's seat. § 87(2)(b) was still standing in his car's open doorway, and there were no other individuals inside the car. PO Tancredi immediately placed § 87(2)(b) under arrest § 87(2)(b). He handcuffed § 87(2)(b) himself, though he did not know if any other officers assisted him in handcuffing him. § 87(2)(b) was "very compliant" during his arrest. PO Tancredi then escorted § 87(2)(b) back to his police vehicle, placed him inside and left the scene. There were still numerous civilians and police officers on the scene when PO Tancredi left. Other than § 87(2)(b) PO Tancredi had no knowledge of any other arrests being made outside § 87(2)(b). He never learned of any arrests taking place there after he brought § 87(2)(b) back to the stationhouse, either.

PO Tancredi stated that he never observed any officers use physical force against individuals at the scene of the incident. He never witnessed any officers hit civilians with batons or use pepper spray against them, nor did he engage in any of these actions himself. PO Tancredi had no knowledge of any officers punching any civilians in their mouths. He never noticed any civilians at the location who had visible injuries.

Other than § 87(2)(b) PO Tancredi did not interact with any other civilians on the scene, and he never assisted any officers in conducting crowd control. At no time did he observe any civilians' damaged property on the ground while he was there. He never witnessed any officers order any civilians out of their cars at gunpoint, instruct them to lie on the ground, and then frisk them. PO Tancredi said that he never approached any civilians with his gun pointed. PO Tancredi had no knowledge of any civilians on the scene possessing weapons, aside from § 87(2)(b). He never used any profanity toward any civilians at the scene, nor did he hear any other officers use profane language. When shown photographs of § 87(2)(b) and § 87(2)(b) § 87(2)(b) PO Tancredi stated that he did not recognize any of them.

Witness Officer Statements

PO Narine Ramlochan

Complaint Report #§ 87(2)(b) and Arrest Report #§ 87(2)(b)

The complaint report indicated that on April 22, 2007, at approximately 4:00 AM, § 87(2)(b) was a part of a large and disorderly group that was causing annoyance and public alarm on the southeast corner of § 87(2)(b) and § 87(2)(b). § 87(2)(b) was given numerous lawful orders to disperse but refused to do so. § 87(2)(b) also resisted a lawful arrest by physically fighting with officers and refusing to be handcuffed. [Encls. 19A-B, 20A-C]

PO Narine Ramlochan of the 67th Precinct was interviewed by the CCRB on June 18, 2007. [Encl. 21A-C] PO Ramlochan is a § 87(2)(b) year-old black male with black hair and brown eyes. He weighs two hundred and seventy pounds and measures five feet, eleven inches. On April 22, 2007, PO Ramlochan was assigned to conditions from 7:30 PM to 4:05 AM. He performed his duties in uniform with the 67th Precinct conditions unit (approximately four or five uniformed officers). PO Ramlochan could not identify any of the officers since he has only been on the force for 18 months. He was assigned to a marked compact van. PO Ramlochan's memo-book entries indicated that at 4:00 AM, he responded to a "10-85" at § 87(2)(b) and § 87(2)(b). At 4:10 AM, two males arrested (assigned by Lt. Maloney). At 9:25 AM, received a wallet with license, lighter silver sidekick, one extra sidekick battery, keychain w/ six keys (items vouchered). At 9:35 AM, he received an arrest number for § 87(2)(b) and § 87(2)(b). [Encl. 18A-C]

On April 22, 2007, at approximately 4:00 AM, PO Narine Ramlochan received a call for additional units to assist with crowd control at a club § 87(2)(b) in Brooklyn and responded to the location approximately two minutes later. There wasn't a specific problem that occurred at § 87(2)(b) that evening, the officers were requested to attend primarily to control the large number of individuals leaving the bar and to prevent potential noise complaints. PO Ramlochan arrived at the location with the conditions unit and observed approximately fifteen uniformed officers directing a crowd of approximately seventy-five individuals northbound on § 87(2)(b). PO Ramlochan approached the crowd and proceeded to assist his fellow officers with crowd control, instructing the crowd to move northbound toward § 87(2)(b). While most of the individuals complied with the officers' request, two individuals, identified as § 87(2)(b) and § 87(2)(b) from their arrest photographs, refused to comply with their request.

§ 87(2)(b) said to a general crowd of officers, "Fuck you. I'm not going this way, I want to go that way," as the officers instructed him to walk away from the bar. An unidentified officer then repeated his instructions and told the individual, "At this time, you must go [northbound]. In fifteen to twenty minutes you can come back." Refusing to comply with the officers' request, § 87(2)(b) pushed two officers that were standing in front of him and attempted to walk in between them. § 87(2)(b) hit one of the officer's hands in the process. The two officers then grabbed both of § 87(2)(b) arms and brought him down to the floor using the minimal amount of force necessary. Once on the ground, § 87(2)(b) resisted arrest by kicking and screaming. He also "froze" his hands, refusing to put them together as instructed. The two initial officers and PO Ramlochan were all instructing him to put his hands together several times and eventually grabbed on to § 87(2)(b) hand in attempts of putting his hands closer together.

Approximately ninety seconds after § 87(2)(b) was handcuffed, PO Ramlochan overheard § 87(2)(b) who stood ten feet away from § 87(2)(b) also refuse to comply with the officers's orders. He initially heard § 87(2)(b) yell, "Let me through, let me through, I live right there" and then heard approximately three officers instruct § 87(2)(b) to walk in the opposite direction. They further explained that he could return to his home if he just waited ten to fifteen minutes. § 87(2)(b) then said, "No, fuck this, I'm going this way." As § 87(2)(b) placed his body toward the officers in hopes of walking to his desired destination, an unidentified officer placed his hand on § 87(2)(b) shoulder as a means of leading him away and instructed him, once again, to walk in the other direction. The officers had instructed § 87(2)(b) to walk northbound toward § 87(2)(b) approximately five times by this point. § 87(2)(b) raised his hand and subsequently hit the officer's hand.

Four unidentified officers immediately grabbed him § 87(2)(b) by both his arms and brought him down to the ground without using any excessive force to do so. Once on the ground, § 87(2)(b) refused to place his

hands behind his back after he was instructed to do so several times. § 87(2)(b) resisted the officers by kicking one of the officers in the leg. One officer tried to grab § 87(2)(b)'s foot in order to prevent him from hitting the officers, while the other two officers grabbed § 87(2)(b)'s hands in attempts to place them behind his back. § 87(2)(b) was handcuffed in approximately two minutes.

PO Ramlochan could not identify the two officers that dealt with § 87(2)(b). He stated that there were two female officers and the rest were male. Given the number of officers who were already involved with § 87(2)(b), PO Ramlochan did not have any verbal or physical contact with § 87(2)(b). He did not observe any of the officers use any physical force toward § 87(2)(b). He did not observe any officer, including himself, hit § 87(2)(b) with a baton prior to being placed on the ground. Furthermore, PO Ramlochan did not observe any officer pepper spray § 87(2)(b) at any point during the incident. PO Ramlochan did not observe § 87(2)(b)'s glasses get thrown on the ground and/or damaged. He did not hear any officer use profanity toward § 87(2)(b) or call him a "pussy" at any point during the incident.

§ 87(2)(b) and § 87(2)(b) were the only two individuals arrested on that date. PO Ramlochan did not observe any other altercations occur between officers and civilians that evening. Furthermore, he did not recognize § 87(2)(b) after he was shown a photograph of him. He did not observe any females get pepper sprayed at the incident location. PO Ramlochan never observed officers instruct three unidentified individuals to lay on the ground and subsequently frisk them. PO Ramlochan did not observe any physical injuries on either individual, he only heard § 87(2)(b) complain that his arm was hurting. PO Ramlochan only identified Sgt. Burton and Lt. Maloney as having been present.

Sgt. Scott Burton

Sgt. Scott Burton of the 67th Precinct was interviewed by the CCRB on August 1, 2007. [Encl. 23A-B] Sgt. Burton is a § 87(2)(b)-year-old white male with brown hair and brown eyes. He weighs two hundred and twenty pounds and measures six feet. On April 22, 2007, Sgt. Burton was assigned to conditions sergeant from 5:20 PM to 2:17 AM. Sgt. Burton worked overtime until 6:47 AM. Sgt. Burton performed his duties in uniform and assigned to marked patrol van number 5890. Sgt. Burton did not recall who he was working with that evening. Sgt. Burton did not have any memo-book entries pertaining to this incident. [Encl. 22A-B]

On April 22, 2007, at approximately 4:00 AM, Sgt. Burton received a call for a large fight occurring on the corner of § 87(2)(b) and § 87(2)(b) in Brooklyn. Sgt. Burton did not know how the fight came about as he did not witness any of the events leading up to the fight. He arrived at the location within minutes of receiving the call. Sgt. Burton could not identify the other officers who arrived with him at the location.

Upon arrival at the location, Sgt. Burton observed at least fifty civilians standing on the street and on the sidewalks. There were several uniformed officers already at the scene, but he could not recall how many there were. He further stated that he observed civilians physically fighting other civilians on the street and on the sidewalk. He could not recall how many separate fights were occurring at the location or how many of the civilians on the street were engaged in the fights. Sgt. Burton, along with an unidentified number of officers, instructed individuals to clear the streets and walk on the sidewalk in attempts to disperse the crowd. Most of the civilians complied with his requests; however, there were few civilians that were instructed to move several times before they complied. Sgt. Burton did not engage in any specific conversation with any civilians who did not comply with his request. Moreover, he did not engage in physical activity with any of the civilians he asked to disperse on the street. He only grabbed a few civilians who were fighting and pulled them away from the fight. Sgt. Burton was not involved in any of the arrests that were made at the scene. He witnessed an unidentified individual get arrested, but he did not assist with the arrest at any point.

Sgt. Burton did not recognize § 87(2)(b) and § 87(2)(b) after he was shown photographs of them. He did not witness any officers hit them with batons, pepper spray them, or use physical force against them. Sgt. Burton was in charge of crowd control for approximately twenty minutes. He did not use any profanity while instructing the crowd to disperse. More specifically, he never called anyone a "pussy." Once crowd dispersed, he re-opened the street for traffic and then resumed patrol.

Sgt. Burton did not recall observing officers stop a vehicle and instruct civilians to get out of their car while pointing their weapons toward the civilians. He never observed three other civilians being frisked while laying face down on the pavement. Sgt. Burton did not use physical force toward any civilian that evening nor did he see any officer use excessive physical, use a baton, or discharge pepper spray toward any civilians that evening. Sgt. Burton could not identify any officers who responded to the call that evening. Furthermore, he did not break anybody's glasses or observe any officer do so.

Sgt. Michael Kraft

Sgt. Michael Kraft of the 67th Precinct was interviewed at the CCRB on September 17, 2007 at 8:45am. [Encl. 25A-B] Sgt. Pat Logan of the SBA was present. Sgt. Kraft is a § 87(2)(b)-year-old white male with black hair and brown eyes. Sgt. Kraft weighs one hundred and seventy five pounds and measures six feet. On April 21, 2007, Sgt. Kraft worked from 11:05am until 12:02pm, on April 22, 2007 (including overtime). He was working as the patrol supervisor with PO Brian Foley. He was in uniform and was assigned to a marked vehicle, RMP number 1851, which PO Foley operated. PO Kraft's memo-book entries indicated that at 4:15 AM, he responded to a "10-85" at § 87(2)(b) and § 87(2)(b). At 4:44 AM, one under at above location. [Encl. 24A-B]

On April 22, 2007 at about 4:15pm, Sgt. Kraft received a radio call requesting assistance at § 87(2)(b) and § 87(2)(b). There were no specifics given over the radio as to what precipitated this need for assistance. He and PO Foley responded immediately, arriving within two minutes of getting the call. When they got there, Sgt. Kraft noticed numerous uniformed and plainclothes officers on the scene, more than fifteen in all. There was also large crowd of people, about forty to fifty in all, exiting a club at the location, § 87(2)(b). Officers were telling them to disperse and clear the block, but they were refusing to do so.

After exiting his vehicle, Sgt. Kraft proceeded to assist the other officers by telling the individuals on the street to move off the block and go home. While he was standing behind a group of officers who were also conducting crowd control, an unidentified male civilian turned around and "got in the officers' face[s]", refusing to move from the scene. Sgt. Kraft directed one of the officers in front of him, PO Asghar, to arrest this male § 87(2)(a) 160.50. PO Asghar separated this male from his group of friends and placed him in handcuffs. This male was cuffed "pretty quickly," and he did not appear to physically resist arrest. He was never brought to the ground, and after he was secured, he was brought to a police vehicle by PO Asghar and placed inside. Sgt. Kraft did not physically assist in this male's arrest—he only observed. He explained that this individual was later released from the precinct with a summons § 87(2)(a) 160.50, but he did not know the male's name or his summons number.

Other than this arrest, Sgt. Kraft did not witness any other individuals get placed under arrest, though he did see "numerous" civilians on the scene who were secured in handcuffs following their arrests. Sgt. Kraft remained at the location for twenty to twenty-five minutes, after which time, he returned to the 67th Precinct with PO Foley (who had been at his side for the duration of the incident).

Sgt. Kraft never physically assisted in any arrests during the incident, nor did he have any physical or verbal interaction with any specific individuals. His duties consisted mainly of supervising the other officers on the scene. Sgt. Kraft stated that he never witnessed any officers use physical force against any of the individuals on the scene. He never saw officers discharge their pepper spray or use their batons against any individuals, nor did he engage in any such forceful tactics himself. Sgt. Kraft never removed his own baton or pepper spray during the incident. He never witnessed any individuals lying face-down on the ground, nor did he see any officers frisk any individuals on the scene. At no point did Sgt. Kraft hear any officers use profanity while he was on the scene; he never heard any officers say, "Stop being a pussy," or words to that effect. He never saw any broken eye glasses on the ground, or any other damaged property at the location. Sgt. Kraft explained that he did not see any officers stop and question any of the civilians present—the only requests the officers made of the civilians was for them to leave the scene. At no time did Sgt. Kraft see officers point their guns at individuals inside any vehicles at the scene, nor did he see any officers pull anybody from their vehicles. Other than PO Foley and PO Asghar, Sgt. Kraft could not

identify any of the other officers on the scene by name. He explained that virtually everybody on the 67th Precinct tour 1 roll call responded to this incident.

When shown photographs of § 87(2)(b) and § 87(2)(b) Sgt. Kraft stated that he did not recognize them or witness their arrest on April 22, 2007. He never saw them get hit with a night stick, or saw any other modes of physical force used against them.

PO Steve Zanca

PO Steve Zanca of the 67th Precinct was interviewed by Inv. Deborah Grodzicki at the CCRB on September 18, 2007 at 9:45am. [Encl. 27A-B] Louis Albert of the PBA and Inv. Katherine O'Connor of the CCRB were present for the interview. PO Zanca is a § 87(2)(b)-year-old white male with black hair and brown eyes. He weighs one hundred and seventy five pounds and measured five feet, six inches. On April 22, 2007, PO Zanca worked from 12:00am until 8:00am—he did not work any overtime. He was working with PO Diego Vivar, and they were assigned to patrol sector M. They were in uniform and were assigned to a marked motor vehicle, RMP number 2234, which PO Vivar operated. His memo-book entries indicated at that at 4:30 AM, he responded to a “10-85” at § 87(2)(b) and § 87(2)(b) [Encl. 26A-C]

On April 22, 2007 at approximately 4:30pm, PO Zanca received a call of a “10-85” from the location of § 87(2)(b) and § 87(2)(b). He responded to the location immediately.

When he got there, he noticed that there was a club at the location called § 87(2)(b) which was letting out at the time. He also saw that there were “massive amounts of people on the street.” He estimated that there were possibly more than one hundred civilians on the scene. He also stated that there were around fifty police officers on the scene who were both in uniform and in plainclothes. He did not know if the officers present were exclusively from the 67th Precinct or if any officers from neighboring commands arrived, as well. PO Zanca could not say whether he was among the first or last group of officers to arrive or if he arrived somewhere in the middle. He observed that within the large crowd, there were several smaller crowds of civilians who were fighting amongst themselves—he did not observe any civilians fighting with officers. PO Zanca did not know whether the various fights going on were related to one another or if they were completely separate. PO Zanca was unable to recall what the officers on the scene were doing when he first arrived.

As soon as he exited his car, PO Zanca proceeded to conduct crowd control by instructing people to leave the block. He was not instructed to do this by any supervising officers—he began to engage in crowd control of his own accord. PO Zanca did not stay in one distinct place when he told the people on the scene to leave, but rather, he moved “all over” the general vicinity. He stated that some of the people on the scene complied with his instructions and left the scene, but the majority did not listen to him. He stated that he did not take any police action against those who did not comply with his orders to disperse, and that when people did not listen to him, he “move[d] on to people that would.” He did not know if any other officers took police action against the civilians who did not comply with the orders to leave the scene. PO Vivar remained with him the entire time, also engaging in crowd control duties.

After being on the scene for about twenty minutes, PO Zanca and PO Vivar were both instructed to leave the scene by a supervisor—he did not recall who this supervisor was. By this time, the majority of the crowd had dispersed and the incident was ending. Following this, PO Zanca and PO Vivar resumed patrol—they did not return to the precinct immediately following this call.

PO Zanca was unable to name any of the other officers who were present at the scene, aside from PO Vivar. PO Zanca did not see anybody being arrested at the scene, and he did not know if anybody was arrested there. He never witnessed any officers hit civilians at the scene with their batons or pepper spray them, nor did he engage in either of these things himself. To PO Zanca’s knowledge, no officers spoke discourteously at the scene, and he said that he never used any discourteous language himself while he was there. PO Zanca never saw any officers use physical force against any civilians at the scene—he never saw any officers bring any individuals to the ground at any time. He never saw any officers hit any civilians in their arms. He had no knowledge of any civilians’ glasses being broken, nor did he ever see any glasses on the ground at the scene. He never saw any officers on the scene point their firearms at any civilians and

instruct them to exit their vehicles. He never witnessed any officers have civilians lay on the ground and then frisk them. PO Zanca did not know if any officers stopped or questioned any civilians at the scene. When shown photographs of § 87(2)(b) and § 87(2)(b), PO Zanca said that he did not recognize any of them.

PO Salman Asghar

PO Salman Asghar of the 67th Precinct was interviewed on September 19, 2007 at 9:42am. [Encl. 29A-C] Florence Friedman of the PBA was present during the interview. PO Asghar is a § 87(2)(b)-year-old male with black hair and brown eyes. He weighs one hundred and seventy five pounds and measures five feet, eight inches. On April 21, 2007, PO Asghar worked from 11:15pm until 7:50am on April 22, 2007. He was assigned to patrol sector F, and was working with PO Eduardo Cornejo. He was in uniform and was assigned to a marked vehicle, which he operated. PO Asghar's memo-book entries indicated that at 4:10 AM, responded to a "10-84" at § 87(2)(b) and § 87(2)(b). At 4:30 AM, one under from § 87(2)(b) and § 87(2)(b) and a summons was issued to § 87(2)(b) at 5:30 AM. [Encl. 28A-C]

On April 22, 2007 at about 4:10am, PO Asghar was at the corner of Utica Avenue and Farragut Road when he received a call of a "10-85" over his radio requesting additional officers to the location of § 87(2)(b) and § 87(2)(b). He did not recall whether this was stated over his radio or if he found out later on, but he determined that the reason for the 10-85 call had to do with a dispute at club called § 87(2)(g). PO Asghar engaged in crowd control.

For about five to ten minutes, PO Asghar instructed individuals in the street to move onto the sidewalk. While he was doing so, he came into contact with § 87(2)(b) (b). He instructed § 87(2)(b) to move from the location, but he refused to do so. PO Asghar reiterated his instruction to move at least one more time, but § 87(2)(b) did not comply, and instead, he became "verbally combative" and refused to move. A second officer whom PO Asghar could not identify assisted him in telling § 87(2)(b) to leave, as well. When it was clear that § 87(2)(b) was not going to leave the scene, PO Asghar determined to arrest § 87(2)(b) § 87(2)(b). PO Asghar placed § 87(2)(b) in handcuffs with the assistance of the other officer who was present. After apprehending § 87(2)(b) another officer on the scene took custody of him and brought him back to the 67th Precinct stationhouse.

While PO Asghar was arresting § 87(2)(b) he believed that the other officers standing nearby were continuing to conduct crowd control. He did not become aware of any other civilians at the scene being placed under arrest at that time. After § 87(2)(b)'s arrest, however, PO Asghar observed one physical altercation occur on § 87(2)(b) and § 87(2)(b) while he was on the scene. PO Asghar saw approximately four uniformed police officers attempting to arrest a black male between 5'10" and 6'2". PO Asghar assisted these officers in apprehending the male, though he stated they did not use physical force in doing so. They never placed the male on the ground at any time while placing him under arrest. The male resisted arrest, but the officers were eventually able to handcuff him. Other than this brief struggle, PO Asghar did not see any other physical altercations between anybody else at the scene.

Other than PO Cornejo, PO Asghar could not identify any of the other officers on the scene by their names, though he explained that "everybody from the 67th Precinct was there." PO Asghar and PO Cornejo remained on the scene of the incident for about fifteen minutes. PO Asghar said that neither he nor his partner ever had their batons drawn while they were there, and he did not see any other officers with batons out. He never witnessed any officers hit civilians with batons in their rib areas. PO Asghar said that he never witnessed any officers execute vehicle stops, nor did he see any remove individuals from their vehicles, place them on the ground, and frisk them. He never learned of any individuals on the scene having weapons. PO Asghar stated that he never used profanity while on the scene, nor did he hear any other officers do so. Specifically, he never said or heard any officers say, "Stop being a pussy." He never saw any officers interact with any females at the scene. At no point did PO Asghar see any civilians' eye glasses get broken, nor did he see any broken glasses on the ground. At no point did PO Asghar stop or question any individuals on the scene, other than when asking them to simply move onto the sidewalk.

When shown a photograph of § 87(2)(b) PO Asghar stated that he did not recognize him or interact with him on April 22, 2007, nor did he see any other officers interact with him on that date. It was explained to PO Asghar that § 87(2)(b) had alleged he was hit with a baton, sprayed with pepper spray and had force used against him on the date of the incident. PO Asghar said that he did not remember if he saw any officers engage in such forceful tactics on that date, though he claimed not to have done so himself.

When shown a photograph of § 87(2)§ 87(2)(b) PO Asghar said that he did not recognize him or interact with him on the date of the incident. PO Asghar stated that he never witnessed any officers use physical force against anybody who fit § 87(2)(b)'s description.

PO Diego Vivar

PO Diego Vivar of the 67th Precinct was interviewed at the CCRB on September 25, 2007 at 10:07am. [Encl. 31A-B] Mario Perez of Worth, Longworth and London, and Inv. Katherine O'Connor of the CCRB were present. PO Vivar is a § 87(2)(b)-year-old Hispanic male with black hair and brown eyes. He weighs two hundred pounds and measures five feet, eight inches. On April 21, 2007, PO Vivar worked from 11:15 until 7:50am on April 22, 2007. He was assigned to patrol sectors M and N, and was working with PO Steven Zanca. He was in uniform and was assigned to a marked vehicle, RMP number 2234, which he operated. PO Vivar's memo-book entries indicated that at 4:30 AM, he responded to a "10-85" at § 87(2)(b) and § 87(2)(b) [Encl. 30A-B]

On April 22, 2007 at approximately 4:30am, PO Vivar and PO Zanca responded to a call of a "10-85" at the location of § 87(2)(b) and § 87(2)(b). When they arrived about five to eight minutes after receiving the call, they observed numerous individuals—about one hundred in all—crowded outside a nightclub called § 87(2)(b). There were also about ten uniformed police officers on the scene. PO Vivar estimated that he and PO Zanca were among the last officers to arrive at the location.

Immediately upon responding, PO Vivar and PO Zanca exited their car and an unidentified supervising officer instructed them to begin conducting crowd control. PO Vivar split up from PO Zanca and moved in front of the club; he did not see where PO Zanca went. PO Vivar proceeded to instruct the individuals to move south toward § 87(2)(b) away from the club. The civilians generally complied with PO Vivar's instructions, and he did not have any altercations with any of them. PO Vivar stated that though the crowd was large, he did not see anything out of the ordinary going on. He did not witness any fights between civilians or officers on the scene. PO Vivar did not recall if any arrests were conducted there, though he said he did not participate in effecting any arrests. He remained at the scene for approximately fifteen minutes, after which point, he met up with PO Zanca and left with him to resume patrol. By the time they left, there were still about thirty people on the street, but the situation was "basically under control." At no time did PO Vivar see any individuals who had been arrested from § 87(2)(b) and § 87(2)(b) later at the 67th Precinct.

PO Vivar stated that he never stopped or questioned any of the individuals on the scene. He never removed his baton. When shown a photograph of § 87(2)(b) PO Vivar said he did not recognize him. He never saw any officers strike § 87(2)(b) with a baton, use physical force against him or place him under arrest. PO Vivar did not recognize the photograph of § 87(2)§ 87(2)(b). He said that neither he nor any other officers used batons, pepper spray or any forms of physical force against him. PO Vivar stated that he did not recognize § 87(2)(b) from his photograph. Neither he nor any other officers used physical force against him or arrest him. PO Vivar never witnessed any officers pepper spray or use physical force against any females at the scene. He never saw any broken eye glasses on the ground outside or near the club. At no time did PO Vivar see officers bring any individuals to the ground and frisk them. He did not recall seeing any plainclothes officers on the scene. PO Vivar said that he never used profanity during the incident, nor did he hear any other officers use profanity. Nobody said, "Stop being a pussy," or used any such language.

§ 87(2)(g)

Medical Documents § 87(2)(b)

§ 87(2)(b)

§ 87(2)(a)

[REDACTED]

§ 87(2)(b)

§ 87(2)(a)

[REDACTED]

Medical Documents § 87(2)(b)

§ 87(2)(b)

§ 87(2)(a)

[REDACTED]

Police Documents

SPRINT §§ 87(2)(b)

The SPRINT indicates that at 4:09 AM, sector E of the 67th Precinct and lieutenant on patrol responded to a call for additional units to § 87(2)(b) and § 87(2)(b) in Brooklyn. An anticrime team of the 67th Precinct responded to the above location a minute later and subsequently executed a crime arrest. Additional units were requested to the location and the patrol sergeant responded at 4:12 AM. At 4:11 AM, an anonymous caller states that two male blacks and non-descript male were inside a jeep Cherokee. At this time, there was another call from an arrested perpetrator at the location stating that his eyes are burning from being pepper sprayed in the face. The call was disconnected. The sergeant referred the call to the Internal Affairs Bureau. At 4:18 AM, special operations units stated that there are enough units on the scene. At 4:21 AM, the location was under control and the arrest executed by the anticrime team was verified. The lieutenant, sergeant, and sector E resumed patrol at 5:30 AM, 5:34 AM, and 5:54 AM respectively. [Encl. 33A-C]

Arrest Photo: § 87(2)(b)

§ 87(2)(b)'s arrest photo did not note any visible injuries. [Encl. 7]

Command Log

The command log indicated that on April 22, 2007, at approximately 4:45 AM, § 87(2)(b) § 87(2)(b) § 87(2)(b), § 87(2)(b) § 87(2)(b), § 87(2)(b) § 87(2)(b), were arrested on the corner of § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) in Brooklyn by PO Narine Ramlochan, PO John Tancredi, and PO Salman Ashgar respectively. § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) were transported to Central Booking in van number 5335. § 87(2)(b) § 87(2)(b) was released with summons number § 87(2)(b) § 87(2)(b). As noted in the command log, the following officers requested overtime: PO Tancredi, PO Pignatelli, PO Jablonski, PO Khan, PO Ramlochan, PO Furtaw, PO Pignatelli, PO Pico, Sgt. Burton, PO Arabella, PO Steiner, PO Devine, PO Santiago, PO Vivar, Sgt. Burke, PO Patel, PO Gomez, PO Flores, PO Santiago, PO Milazzo, and PO Chan. [Encl. 34A-C]

Criminal Conviction History for § 87(2)(b)

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Criminal Conviction History for § 87(2)(b)

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Criminal Conviction History for § 87(2)(b)

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

CCRB Complaint History for § 87(2)(b)

§ 87(2)(b) does not have any other CCRB complaints on file. [Encl. 3]

CCRB Complaint History for § 87(2)(b)

§ 87(2)(b) does not have any other CCRB complaints on file. [Encl. 4]

CCRB History for PO John Tancredi

PO Tancredi does not have any substantiated allegations on file after being with the NYPD for eight years. [Encl. 2]

Conclusions and Recommendations

Officer Identification § 87(2)(b) **Attempts to Identify Subject Officers** § 87(2)(b)

§ 87(2)(b) § 87(2)(b) indicated that he would only be able to identify the officer who searched his vehicle from photographs. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) PO John Tancredi admitted to searching § 87(2)(b) § 87(2)(b)'s vehicle for a weapon. PO Tancredi stated that the information he received pertaining to the weapon was relayed directly to him and that he took full responsibility for the search. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

Undisputed Facts

It is undisputed that officers, including PO Tancredi, searched § 87(2)(b)'s vehicle and found a weapon in his center console.

Facts in Dispute

§ 87(2)(g)

Assessment of Evidence

§ 87(2)(g)

While § 87(2)(b) and § 87(2)(b) did not witness each other's incidents, they both witnessed a portion of § 87(2)(b)'s arrest. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) alleged that PO Tancredi and a fellow officer searched his vehicle after he was instructed to exit the vehicle and placed under arrest. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegations not pled

§ 87(2)(g)

Allegation A: Officers pointed their guns at § 87(2)(b) and § 87(2)(b)

Allegation B: Officers frisked § 87(2)(b) and § 87(2)(b)

Based on § 87(2)(b) and § 87(2)(b)'s testimonies, officers allegedly pulled three civilians (two of whom were identified as § 87(2)(b) and § 87(2)(b) out of a black vehicle and subsequently frisked them.

§ 87(2)(g)

Allegation C: PO John Tancredi searched the car in which § 87(2)(b) was an occupant.

PO John Tancredi determined to enter § 87(2)(b)'s Jeep Cherokee after learning from a bouncer and several other civilians in the area that § 87(2)(b) who was entering his vehicle at the time, was carrying a firearm. After leaning inside the vehicle briefly, he saw said weapon in the center console and a second firearm sitting on the driver's seat, and removed them. He did not search the vehicle for other contraband after removing the two weapons from the floor. According to Barry Kamins's New York Search and Seizure, "The police may search a vehicle and any containers found inside when they have probable cause to believe that it contains contraband, a weapon, or evidence of a crime." [Encl. 1]

§ 87(2)(b), § 87(2)(g)

Allegation D: An officer struck § 87(2)(b) with a baton.

Allegation E: An officer damaged § 87(2)(b)'s property.

Allegation F: An officer used pepper spray against § 87(2)(b)

Allegation G: Officers used physical force against § 87(2)(b)

Allegation H: An officer spoke obscenely and/or rudely to § 87(2)(b)

§ 87(2)(b) alleged that officers various methods of physical force and spoke obscenely and/or rudely to him upon exiting § 87(2)(b). § 87(2)(b), § 87(2)(g)

Allegation I: Officers used physical force against § 87(2)(b)

Allegation J: An officer used pepper spray against § 87(2)(b)

§ 87(2)(b) alleged that officers used physical force against and pepper sprayed an unidentified young female prior to interacting with him. § 87(2)(b), § 87(2)(g)

Allegation K: An officer used pepper spray against § 87(2)(b)

Allegation L: An officer used physical force against § 87(2)(b)

Allegation M: Officers spoke obscenely and/or rudely to § 87(2)(b)

Allegation N: Officers struck § 87(2)(b) with an asp.

As noted above, § 87(2)(b) viewed photographs of all possible subject officers and failed to identify the two uniformed officers (whom he stated he could identify from photographs) who allegedly pepper sprayed him, struck him with a baton, and spoke obscenely/rudely to him. Furthermore, the officers interviewed did not admit to engaging in these actions. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: